

80. (NEW) The process of Claim 48, wherein the green body is converted in the pyrolysis into a shaped body having a porosity of from about 30 to 50%.

81. (NEW) The process of Claim 48, wherein the porous shaped body is infiltrated with a silicon melt containing from about 10 to 50% by weight of iron with the balance being silicon.

82. (NEW) The process of Claim 50, wherein the porous shaped body is infiltrated with a silicon melt containing from about 10 to 50% by weight of iron, from 0.5 to 10% by weight of chromium and silicon as the balance.

REMARKS

Claims 36-82 are pending herein. By this Amendment, Claims 1-35 are canceled, and new Claims 36-82 are pending herein.

In the parent application, Claims 36, 38, and 38 [sic: 48] were rejected under 35 U.S.C. 102(e) over U. S. Patent No. 6,193,928 (Rauscher).

Rauscher discloses a process for manufacturing ceramic metal composite bodies. The process is based on molten infiltration and the simultaneous or delayed exchange reaction of ceramic or metal ceramic unfired bodies or sintered bodies, which may consist of nitrides or carbides as well as metals, with molten metal, whereby new nitride, carbide and intermetallic phases are formed (Abstract).

The ceramic metal composite bodies are formed by (1) producing a reaction mass comprising from 40-95 volume % ceramics and from 5-60 volume % of at least two high-

temperature melting metals; and (2) heating the reaction mass under inert conditions to a temperature which permits the formation of a molten phase. The metals in the reaction mass are in the form of metal alloy and may contain at least two of silicon, tin, titanium, zirconium, aluminum, boron, indium, and iron (col. 3, lines 1-22).

The only example of Rauscher discloses using a titanium and silicon alloy. Rauscher does not disclose a matrix comprising an alloy of silicon and iron. Because Rauscher does not disclose each and every element of the claimed invention, Claims 36, 38, and 48 are not anticipated.

In the parent application, Claims 36-82 were rejected under 35 U.S.C. 103(a) over Rauscher.

Under 35 U.S.C. 103(c), a patent which qualifies as prior art under 102(e) does not preclude patentability where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Rauscher and the present application were, at the time the instantly claimed invention was made, both subject to an obligation of assignment to Daimler-Benz AG (DaimlerChrysler AG). Thus, Rauscher is not a prior art reference under 35 U.S.C. 103(c).

If there are any questions regarding this Amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any

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